

U.S. Serial No. 09/837,844  
Attorney Docket No. PD-200297

**REMARKS**

In the September 27, 2005, Office action, the Examiner rejected claims 28, 53-55, 83 and 107-109 as non-enabling under Section 112. The Examiner rejected claim 90 as indefinite. The Examiner rejected claims 1-109 as unpatentable under the doctrine of obviousness-type double patenting over the claims of co-pending Application No. 09/837,843. The Examiner rejected claims 1, 22, 56 and 77 as anticipated by Vallone (US 6,847,778). The Examiner rejected claims 1-2, 30, 38-47, 53-57, 85, 93-96 and 107-109 as anticipated by Wood (US 2002/0054752). The Examiner further rejected claims 1-4, 6, 9, 13-14, 17, 23-29, 56-59, 61, 64, 68-69, 72 and 78-84 as anticipated by Hassell (US 2004/0128685). The Examiner rejected the remaining claims as obvious over the above references.

By way of this amendment, claims 1, 23, 28 53-56, 78, 90, and 107-109 have been amended and claims 22 and 77 have been canceled. Claims 1-21, 23-76, and 78-109 are pending at issue, with claims 1, 23, 56 and 78 now being independent. As explained below, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

**Rejections Under 35 U.S.C. § 112**

Applicant has amended claims 28 and 83 to indicate that the digital audio/video is converted to analog data. Applicant respectfully submits that the conversion of digital audio/video makes these claims enabling. Applicant has amended claims 53-55 and 107-109 to require separate tuners in addition to the single tuner to receive the additional content which may be recorded. Applicant submits that these amended claims are now sufficiently enabled. Applicant has amended claim 90 to correct the typographical error of a second sentence noted by

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the Examiner. Applicant respectfully submits that amended claims 28, 53-55, 83, 90, and 107-109 overcome the objections noted by the Examiner.

### **Obviousness-Type Double Patenting**

Applicant is submitting herewith a terminal disclaimer with regard to co-pending Application No. 09/837,843, which is to the same assignee and was filed on the same date as the instant application. Applicant respectfully submits the terminal disclaimer overcomes the double patenting rejections for claims 1-109.

### **Rejections Under 35 U.S.C. §§ 102 and 103**

The claims in the present application relate to a method and apparatus for processing available content such as a program from a video source such as digital or satellite television signals. The available content is received using a single tuner. A plurality of different operations may be performed on the available content received from the single tuner. For example, one operation is the recording of a program even after the program has started. Such a program is stored in its entirety for later playback when the user desires. Another example of the different operations which can be performed is capturing a snippet of a program. Again, the snippet of the program is stored and made available for later playback by the user. Thus, the method and apparatus provide a variety of options for manipulation of program content which is recorded from the single tuner.

In contrast, all of the cited references describe video recorders which record an entire program for later playback. Such recorders cannot record an entire program for storage as a program after the program has started. Moreover, such recorders also cannot record a snippet of a program for storage as in the present claims.

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For example, Wood merely discloses a video data recorder which records entire programs according to user defined criteria. (paragraphs 37-38). Wood does not disclose or suggest recording a program for storage after the user has begun viewing the program. Wood also does not disclose or suggestion recording a snippet of a program.

Similarly, Vallone discloses a video recorder with an interface that is overlaid on programming displayed on a television. The interface indicates the length of the recording or the length of the stored program material. However, contrary to the Examiner's assertion, Vallone does not disclose a system which allows a user to record an entire program after viewing the program for a period of time. Vallone, like the other references, merely discloses recording a program while the live broadcast is occurring. (Col. 4, ll. 35-40); or recording one program while a user is watching another program (Col. 4, ll. 57-60). Vallone does not disclose any capability to record the entirety of a program which the user has started watching. Vallone also does not disclose recording a snippet of a program.

Finally, Hassell is directed toward an interactive program guide having the capability to store entire programs. As with the other references, Hassell does not disclose the capability to record the entirety of a program once the user has started watching. The Examiner has cited paragraphs 29, 35 and 37 for the proposition that Hassell discloses taking snippets of the video recording. A closer examination of these paragraphs reveals that they merely describe providing information or parts of information relating to the program. This partial information is not a segment of the received program as defined by the pending claims as such information is overlaid on the recorded program.

In order to further distinguish the claims at issue, Applicant has canceled claims 22 and 70 and amended claims 1 and 56 to include recording an entire program for later playback of the

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entire program from the available content after viewing the program for a period of time. The Examiner has cited Vallone as anticipating claim 22. However, Applicant respectfully submits that Vallone does not disclose the ability to record an entire program once a user has begun viewing the program for a period of time. Moreover, Vallone does not disclose storing the entire program for playback later as is now in pending claims 1 and 56. Neither Wood nor Hassell disclose nor suggest recording an entire program once a user has begun viewing the program. Applicant respectfully submits that claims 1 and 56 are allowable over Vallone and the other cited references. Claims 2-21 and 24-55 depend from claim 1 and claims 57-76 and 78-109 depend from claim 56 and are similarly allowable.

Applicant has also amended claims 23 and 78 to incorporate the elements of claims 1 and 56, respectively, as well as storing the snippet for later playback. The Examiner has indicated that Hassell anticipates claims 23 and 78. However, Hassell does not disclose or suggest the ability to record snippets of programs. As explained above, the paragraphs of Hassell cited by the Examiner merely relate to display of information not the recording of a snippet of a program. Further, Hassell does not disclose storing the snippet for later playback. Neither Wood nor Vallone disclose nor suggest recording a snippet of the program. Applicant respectfully submits that amended claims 23 and 78 are now allowable.


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For these reasons, it is respectfully submitted that the pending claims (1-21, 23-76, and 78-109) are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next Office action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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